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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,  
9 Plaintiff,

10 -vs-

11 ANTHONY HOYE,  
12 Defendant.

Case No. 2:20-cr-00158-GMN-BNW

**UNOPPOSED MOTION TO  
CONDUCT A PRE-PLEA  
PRESENTENCE INVESTIGATION  
REPORT & PROPOSED ORDER**

13 COMES NOW, ANTHONY HOYE, by and through his attorney of record, JACK E.  
14 BUCHANAN, ESQ., and hereby moves this Honorable Court to order the United States Department  
15 of Parole & Probation to conduct a pre-plea presentence investigation report of ANTHONY HOYE as  
16 soon as possible.

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18 This request is based upon the pleadings and papers on file herein, the attached Memorandum  
19 of Points and Authorities, and any oral argument the Court may entertain.

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21 DATED this 6<sup>th</sup> day of May, 2021.  
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25 /s/ Jack Buchanan  
26 JACK E. BUCHANAN, ESQ.  
300 S. Maryland Parkway  
27 Las Vegas, NV 89101  
28 Attorney for Defendant, HOYE

# **MEMORANDUM OF POINTS AND AUTHORITIES**

## **I. STATEMENT OF FACTS**

On July 8, 2020, a federal grand jury returned an Indictment charging the Defendant, Anthony Hoye, with one count of Conspiracy to Distribute a Controlled Substance, in violation of 21 U.S.C §§ 846, 841(a)(1) and (b)(1)(C), eight counts of Distribution of a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and one count of Felon in Possession of a Firearm in violation of 21 U.S.C. §§ 922(g)(1) and 924(a)(2). Trial is currently scheduled for September 27, 2021.

## **II. LEGAL ARGUMENT**

A presentence investigation may be initiated prior to entry of a guilty plea or nolo contendere or prior to the establishment of guilt. *See generally* Fed. R. Crim. P. 32. Counsel requires a pre-plea presentence investigation report to determine whether Mr. Hoye is potentially eligible for Career Offender or Armed Career Criminal. Counsel understands that Mr. Hoye has prior felony convictions, however, counsel cannot accurately calculate whether Mr. Hoye qualifies as a Career Offender or for the Armed Career Criminal ("ACCA") sentencing enhancement without the information that would be provided in the Pre-Plea PSR. Mr. Hoye's eligibility for Career Offender and/or the ACCA will drastically impact his sentencing exposure, potential negotiations, and his decision as to how he should proceed in this matter. In addition, the timing of Mr. Hoye's prior convictions could impact his sentencing guideline range and criminal history score. A pre-plea presentence investigation report will promote judicial economy and could greatly expedite the manner in which this case is resolved. Furthermore, Mr. Hoye consents to the pre-plea presentence investigation.

Counsel has spoken to the Government and they do not oppose the instant motion.

Therefore, undersigned counsel respectfully requests this Court issue an Order directing the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of Mr. Hoye as soon as possible.

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**III. CONCLUSION**

Based on the foregoing, Defendant asks this Court to grant his Motion to Conduct a Pre-Plea Presentence Investigation Report. Defendant further requests this Court order the United States Department of Parole & Probation to conduct a pre-plea presentence investigation report of Mr. Hoye as soon as possible.

Dated this 6<sup>th</sup> day of May, 2021.


/s/ Jack Buchanan  
JACK E. BUCHANAN, ESQ.  
300 S. Maryland Parkway  
Las Vegas, NV 89101  
Attorney for Defendant, HOYE

**ORDER**

IT IS ORDERED that the United States Department of Parole and Probation will prepare a Pre-Plea Presentence Investigation Report on Defendant, ANTHONY HOYE within 90 days.

**IT IS SO ORDERED.**

Dated this 7 day of May, 2021

  
\_\_\_\_\_  
Gloria M. Navarro, District Judge  
UNITED STATES DISTRICT COURT

**Certificate of Service:**

I hereby certify that I am an employee of BUCHANAN DEFENSE LAW at that on the 6<sup>th</sup> day of May, 2021, I served an electronic copy of the foregoing UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRESENTENCE INVESTIGATION REPORT & PROPOSED ORDER addressed to the following;

Kimberly A. Sokolich, Esq., Assistant US Attorney  
**Kimberly.Sokolich@USDOJ.gov**

/s/ Vanessa Rubio

An employee at Buchanan Defense Law